**HON'BLE SRI JUSTICE RAMESH RANGANATHAN**

**W.P.NO. 30217 OF 1997**

Between:

The Commissioner, Serilingampally
Municipality and another

… Petitioners

and

The Presiding Officer, Labour Court-III,
Hyderabad and others

… Respondents

**HON'BLE SRI JUSTICE RAMESH RANGANATHAN**

**W.P.NO. 30217 OF 1997**

**ORAL ORDER:**

The respondents 2 to 6 herein raised separate industrial disputes (I.D.Nos.70 of 1995 to 74 of 1995) before the Labour Court-III, Hyderabad, and, by a common award dated 19.12.1996, all the I.Ds were allowed, the order of oral termination set aside and the respondents in the I.Ds (petitioners herein) were directed to take the workmen into service, with continuity of service, but without back wages.

A single writ petition has been filed questioning the common award in I.D.No.s 70 to 74 of 1995 dated 19.12.1996. The writ petition was dismissed for default, by order dated 4.9.2000, as against respondents 1, 2, 4, 5, and 6, and since more than 6 years have elapsed since then, I see no reason to accede to the request of Sri P. Radhakrishna, learned Standing Counsel for the petitioners herein, that further time be granted to enable the petitioners to now file a petition to set aside the order dated 4.9.2000.

Learned Standing Counsel would submit that, at least in so far

as the writ petitioner has been filed against the 3rd respondent, the order of the labour court is required to be set aside.

It is required to be noted that a common award was passed in I.D.Nos. 70 to 74 of 1995 against all the 5 respondent-workmen herein (respondents 2 to 6) and, in fact, the petitioners herein have chosen to file a single writ petition, questioning the common award of the labour court in all the five I.Ds. Since a common award was passed the 3rd respondent is similarly situated as that of respondents 2, 4, 5 and 6 and, as such, the writ petition is liable to be dismissed as against the 3rd respondent also. Even otherwise, a perusal of the award would show that no evidence was let in on behalf of the petitioners herein, either oral or documentary. While the workmen examined themselves and marked certain exhibits as documentary evidence no evidence, whatsoever, was let in by the petitioners herein. In fact the labour court has noted, as per its order dated 8.8.1996, that the respondents in the I.Ds (the petitioners herein) were called absent and there was no representation on their behalf and, as such, their evidence was closed.

Sri P. Radhakrishna, learned Standing Counsel for the petitioners, would submit that, since a counter affidavit was filed, the Labour Court ought to have taken the averments made therein into consideration before passing the award under challenge. I am afraid I cannot agree. A Counter filed before the labour court, in an I.D, constitutes pleadings and, in the absence of such pleadings being proved by way of evidence, the averments in the counter cannot form

the basis to deny relief to the workmen concerned.

In any event of the matter, the writ petition is liable to be dismissed and is accordingly dismissed. No order as to costs.

---

**RAMESH RANGANATHAN, J**

**DATE: 9.4.2007**

**CVM**